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July 17, 2008

VIA FACSIMILE (212) 805-7917

The Honorable Robert P. Patterson, Jr.
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSEMENT

Re: William Talen v. City of New York, et al., 08 Civ. 5677 (RPP)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York¹ in the above-referenced matter in which plaintiff alleges, *inter alia*, that he was falsely arrested. Defendant City respectfully requests an extension of time to answer or otherwise respond to this complaint from July 21, 2008 until September 22, 2008. Plaintiff has consented to this request.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal actions, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this

¹ Upon information and belief, the named individual defendants have not yet been served in this matter. Therefore, should the Court grant this enlargement, it should allow plaintiff time to serve the individual defendants. If timely served, it may also give this office time to determine, pursuant to Section 50-k of the New York General Municipal Law, and based upon a review of the facts of the case, whether we may represent them. *See Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

office is in the process of forwarding to plaintiff for execution consents and authorizations for the release of sealed arrest and criminal prosecution records so that defendant can access the information, properly assess the case, and respond to this complaint.

No previous request for an extension has been made by defendant City. Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended to September 22, 2008.


Thank you for your consideration herein.

Respectfully submitted,



Elizabeth M. Daitz
Assistant Corporation Counsel

cc: Earl Ward, Esq. (via facsimile)



7/18/08